

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3

4 -----x

5 DONNA WOOD, et al, individually  
6 and on behalf of all others  
7 similarly situated,  
8 Plaintiffs,

9 vs. 20 Civ. 2489(LTS)(GWG)

10 MIKE BLOOMBERG 2020, INC.,  
11 Defendant.  
12 -----x

13  
14 VIDEOTAPE DEPOSITION OF  
15 ALEXANDRA WHEATLEY-DIAZ  
16 VIA ZOOM VIDEOCONFERENCE

17 November 11, 2022

18 7:16 a.m. PST  
19  
20  
21  
22  
23

24 Reported by:

25 Maureen Ratto, RPR, CCR

1 ALEXANDRA WHEATLEY-DIAZ

2 to be a reason as to why we had to work  
3 more than 40 hours.

4 Q. And you had to get that  
5 approved in order to get paid; is that  
6 your testimony?

7 A. No. We had to get approved in  
8 order to work more than 40 hours.

9 Q. And during the time that you  
10 worked for the Bloomberg Campaign, you  
11 continued to work for Genex; is that  
12 right?

13 A. That is correct.

14 Q. And how many hours a week did  
15 you work for Genex while you were working  
16 for the Campaign?

17 A. I can't confirm the amount of  
18 time, but it was a good portion of my day  
19 -- or a good -- incorrect to say that.

20 It was -- I can't -- I can't  
21 recall the exact amount of time but it  
22 was certainly five hours -- about  
23 approximately anywhere from five hours a  
24 day, sometimes more, depending on how --  
25 when I had to be at the Bloomberg office.

1 ALEXANDRA WHEATLEY-DIAZ

2 day. Shortly after the pandemic was  
3 announced I did go to Florida.

4 Q. The pandemic I believe was  
5 announced on March 16th of 2020. Assuming  
6 that that date is correct, how soon after  
7 that did you go to Florida?

8 A. If I remember correctly, it  
9 was sometime in mid April or early April.

10 Q. When you started working for  
11 the Bloomberg Campaign, did you tell them  
12 that you had another paid job?

13 A. I did.

14 Q. Is it fair for me to assume  
15 that that was okay in terms of the  
16 position that you held with the Campaign?

17 A. That is correct.

18 Q. Was there any reduction in  
19 your compensation based on the fact that  
20 you had another paid position  
21 simultaneously?

22 A. I don't recall to the extent  
23 of that, but I don't recall extensively.

24 MS. BLOOM: I'm going to ask  
25 if the concierge could mark the

1 ALEXANDRA WHEATLEY-DIAZ

2 A. To my understanding, I don't  
3 think that was, like I said, considered.  
4 I also, to my understanding, don't think  
5 that anything in my background made me  
6 more or less qualified for the position.  
7 And as I stated before, there was no  
8 interview so it was -- to my  
9 understanding, it was never really  
10 considered at all.

11 Q. Do you think you were a good  
12 field organizer?

13 A. Oh, I was a great field  
14 organizer.

15 Q. Okay. What was it about you  
16 that made you a great field organizer?

17 A. I was passionate about my --  
18 about my job, I'm a hard worker and I  
19 take a lot of pride in what I do and how  
20 I work.

21 Q. Were you able to persuade  
22 people to support Mike Bloomberg who  
23 initially were not supporters?

24 A. I can't say for sure. I'd  
25 like to believe that based on the script

1 ALEXANDRA WHEATLEY-DIAZ

2 to keep things very general instead of  
3 specific to certain subjects that might  
4 be sensitive.

5 Q. You said a few minutes ago  
6 that you were very passionate about what  
7 you were doing. How would you express  
8 that passion?

9 A. I expressed that passion in  
10 relation to this position when I was with  
11 the dedicated hours, the time, the  
12 commitment that I had to the job. Yeah,  
13 that's how it was expressed.

14 Q. Now, if you go back and look  
15 at Exhibit 2, the fifth document in  
16 which is P008645 -- I'm sorry -- the  
17 sixth document, P008646, that's your  
18 signature; is that correct?

19 A. That is correct.

20 Q. And you signed and dated this  
21 document on or about January 16th of  
22 2020; is that right?

23 A. That is right.

24 Q. And above your signature it  
25 says, "I acknowledge receipt of this

1 ALEXANDRA WHEATLEY-DIAZ

2 Q. You understood that your  
3 status was as an exempt employee?

4 A. I did not know what that meant  
5 at that time, so I didn't -- so I would  
6 say that I didn't know that that -- I  
7 didn't know the extent to what that meant  
8 at that time.

9 Q. You understood that you  
10 wouldn't get overtime, though, correct?

11 A. I did not understand that.

12 MS. COLE-CHU: Objection to  
13 form.

14 Q. Sorry?

15 A. I did not understand that.

16 Q. So did you think you would be  
17 paid money over and above \$3,000  
18 semi-monthly?

19 A. I did not -- I did not know --  
20 how do I say this? I was not aware of --  
21 I wasn't aware that that would even be  
22 necessary based on not knowing that I  
23 would be working the hours to the extent  
24 that I was.

25 Q. Did you tell your other

1 ALEXANDRA WHEATLEY-DIAZ

2 employer that you were taking another  
3 job?

4 A. I told my immediate boss, yes.

5 Q. What did you tell your  
6 immediate boss?

7 A. When or what?

8 Q. What?

9 A. What. I told my other boss  
10 that I would be working for the Campaign.

11 Q. Did you tell your boss how  
12 many hours a week you'd be working for  
13 the Campaign?

14 A. It did not come up in  
15 conversation.

16 Q. What was the conversation?  
17 Tell me in as much detail as you can  
18 recall.

19 A. I spoke with my immediate boss  
20 about taking a second job so that I could  
21 support myself.

22 Q. Did you ask for any reduction  
23 in the number of hours that you were  
24 working for Genex in order to take the  
25 second job?

1 ALEXANDRA WHEATLEY-DIAZ

2 times, 50 times. I couldn't give you a  
3 number to the exact amount but it was  
4 certainly a lot.

5 Q. What did you do at home?

6 A. Primarily phone banking and  
7 most -- and sometimes the text messages.

8 Q. Now, you understand that you  
9 are being offered as a class  
10 representative in this case; is that  
11 right?

12 A. That is right.

13 Q. What does that mean to you?

14 A. That means that I represent a  
15 group of people in the State of  
16 California.

17 Q. And what do you understand  
18 your responsibilities to be as a class  
19 representative?

20 A. That I am available, that I am  
21 cooperative and that I have the time and  
22 willingness to be a part of this case.

23 Q. There was a period of time  
24 during the pendency of this case when you  
25 had indicated that you no longer wanted



1 ALEXANDRA WHEATLEY-DIAZ

2 In terms of the hours that you  
3 devoted, that you spent on the Campaign  
4 when you were working as a field  
5 organizer in the month of January, how  
6 many hours a week did you work for the  
7 Campaign?

8 A. In January I worked every day.  
9 I'd have to sit with a calculator to  
10 measure the time but it was well over  
11 right away 40 hours. I worked all day  
12 Saturday and Sunday and I worked  
13 generally between 10 to 12 Monday through  
14 Friday ending at about 9:00.

15 Q. I'm sorry. You said you worked  
16 between 10 to 12 Monday through Friday?

17 A. I usually got to the office  
18 when the office opened. The opening of  
19 the office varied, so that some days it  
20 was 10, 11 or 12. It just depended on  
21 when the office opened, it depended on if  
22 we had a meeting that day and it depended  
23 on my job -- my other job as well. So it  
24 was generally between 10 and 12 that I  
25 got to the office.

1 ALEXANDRA WHEATLEY-DIAZ

2 Q. Okay. And how many hours in  
3 January per week were you working for  
4 your other job?

5 A. I cannot say for certain the  
6 amount of hours but anywhere between -- I  
7 cannot -- I couldn't say for certain on  
8 the record the amount of hours.

9 Q. Well, approximately how many?

10 A. Maybe, approximately, like, 30  
11 hours, 35.

12 Q. 35 hours a week?

13 A. Approximately.

14 Q. And how many hours a week for  
15 the Campaign during that time?

16 A. Like I said, if I got there to  
17 the office between 10 and 11 --  
18 generally, it was between 11 or 12 and  
19 then I would leave around 9, 8, 9,  
20 sometimes 10, depending on the day. Like  
21 Fridays and then on weekends it was  
22 typically in the morning all the way to  
23 the nighttime on Saturday and Sunday.

24 Q. And it's your testimony that  
25 you worked every Saturday and Sunday for

1 ALEXANDRA WHEATLEY-DIAZ

2 the Campaign in January?

3 A. In the month of January when I  
4 was hired, from when I was hired I did  
5 work those weekends. And if I -- I'd have  
6 to look at a calendar to see for sure  
7 what weekends those were and when I  
8 actually began, because that is something  
9 that I don't necessarily recall the exact  
10 date, so...

11 Q. And there were some weekends  
12 that you couldn't work because of your  
13 other job, correct?

14 MS. COLE-CHU: Objection to  
15 form.

16 A. That's not correct. I did not  
17 ever not work a weekend.

18 Q. Could you ever not work a  
19 weekend day, meaning Saturday or Sunday,  
20 when you worked for the Campaign?

21 A. No, I worked every Saturday  
22 and Sunday for the Campaign.

23 Q. Okay. In February and March  
24 also?

25 A. Correct, yeah.

1 ALEXANDRA WHEATLEY-DIAZ

2 Q. Okay. And it's your testimony  
3 here today that you never, during the  
4 entire time you worked for the Campaign,  
5 you worked every single Saturday and  
6 Sunday?

7 A. To the best of my knowledge,  
8 that is true, that I remember, and that I  
9 recall. I do not recall ever not working  
10 those weekends and I'm also uncertain of  
11 when we stopped working in March. So  
12 depending on when the last day was in  
13 March and when the first day was that I  
14 started working in January, and to the  
15 best of my knowledge, I recall working  
16 all those weekends.

17 Q. In the month of February how  
18 many hours a week did you work for the  
19 Campaign?

20 A. It was the same that I worked  
21 in January. I'd have to get a calculator  
22 to calculate the amount of time but, like  
23 I said, if we were on the latter side,  
24 between 12 every day, you know, 10 --  
25 generally between 12, leaving the office

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Umm, how do I say this? I would pull medical records for the independent medical exams that the clients -- that the patients were going to be participating in and put them in a document or put them in a folder and I had to do several different things to those documents in order for them to be liable for the nurse practitioner. So essentially, I was preparing documents for someone to look over in regards to that patient.

Q. And you did that remotely?

A. I did that remotely.

Q. Your resumé says that you were a scheduler. Did you do scheduling?

A. Yes. When I was originally hired I was hired as a scheduler.

Q. At the time that you were working for the Bloomberg Campaign were you doing scheduling?

A. I was not.

Q. And when you said you had to be available to field calls, calls from

1 ALEXANDRA WHEATLEY-DIAZ

2 whom?

3 A. Patients, like after hours.  
4 Since the company was an East Coast  
5 company, I was working East Coast times.

6 Q. So during what hours would you  
7 have to be available to field calls?

8 A. Generally around 11 and 12.

9 Q. Until when?

10 A. Well, that's until then, like,  
11 I would have the calls forwarded to my  
12 cellphone, I was just available but that  
13 never really occurred.

14 Q. This is what I'm not  
15 understanding. You're saying until 11 or  
16 12 Pacific Time? Is that your testimony?

17 A. Yes.

18 Q. And you said it was after  
19 hours on the East Coast, so that would be  
20 two or three o'clock on the East Coast?

21 A. Correct. Because we're talking  
22 in reference to, like, a doctor's office.

23 Q. So you are claiming that a  
24 doctor's office closes at two o'clock?

25 A. I'm not claiming anything. I'm

1 ALEXANDRA WHEATLEY-DIAZ

2 just stating what the company considers  
3 after hours is.

4 Q. And when did you -- what was  
5 the time period? I know you said it ended  
6 at 11 or 12. When did it start?

7 A. I mean, I was available to  
8 take calls all day, but it wasn't  
9 necessarily a start or end time to that.  
10 Sorry. It wasn't necessarily a start time  
11 to that. My apologies.

12 Q. So I'm just trying to  
13 understand what the commitment was.

14 When you say you were  
15 available to take calls all day, what  
16 does that mean? Tell me the hours.

17 A. The hours varied. My -- I was  
18 just available to take a call if it was  
19 after hours, which generally ended around  
20 12, but it would be understood too that  
21 it could be up until, like, 2 p.m.  
22 Pacific Standard Time, but that never  
23 actually occurred during the time that I  
24 was employed or that I was working but it  
25 was, like, I was available if I had to

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2 So you said that you'd be in  
3 the Bloomberg office working for the  
4 Campaign and you would simultaneously be  
5 available to take calls for your job at  
6 Genex; is that correct?

7 A. That's incorrect. I stated  
8 that we -- that I was available if I  
9 needed to be for Genex for customer  
10 service if I had to be for after hours.  
11 However, that depended when I needed to  
12 be in the office for the Campaign and it  
13 differentiated on the date but there were  
14 circumstances where I was allowed to,  
15 depending on when they needed me to be in  
16 the office, I was allowed to work --  
17 like, work my previous job there, so that  
18 I can just immediately start working for  
19 the Campaign when they needed me to start  
20 working.

21 Q. Did you ever get paid by Genex  
22 and by the Campaign for the same hour?

23 MS. COLE-CHU: Objection to  
24 form.

25 A. I can't confirm or -- I can't



1 ALEXANDRA WHEATLEY-DIAZ

2 A. I felt as though that was the  
3 only choice.

4 Q. Because of what your numbers  
5 were, is that why?

6 A. Because of the environment,  
7 because of the leadership and because of  
8 the pressure that we were under.

9 Q. Did anybody ever tell you that  
10 you couldn't take a break during the  
11 workday?

12 A. I don't recall if that  
13 statement was ever made by anybody.

14 Q. Did you ever consider quitting  
15 the job at the Campaign?

16 A. I don't recall the sentiment  
17 that I felt during that time. I was very  
18 -- I do know that I was very passionate  
19 and very motivated to keep going.

20 Q. Did you bring your lunch --  
21 oh, passionate about the candidate?

22 A. About the position that I was  
23 working in, I really enjoyed -- I really  
24 enjoyed what I was doing. I was learning  
25 something, yeah.

1 ALEXANDRA WHEATLEY-DIAZ

2 Q. What were you learning?

3 A. I was learning a new skill and  
4 I was in an opportunity that I had never  
5 been in before.

6 Q. What was -- what were the new  
7 skills that you were learning?

8 A. How to educate myself in  
9 regards to a candidate, how to relay that  
10 information over to other people and I  
11 was learning -- I had never canvassed  
12 before, I had never phone banked before,  
13 I had never sent text messages out on the  
14 application we were on, I had never had  
15 to sit to work an event, whatever that  
16 might have been at that time, different  
17 times, I had never been in the  
18 environment that I had been in in terms  
19 of politics at all.

20 Q. What was it about the job that  
21 you liked or made you passionate?

22 A. I felt that I was a part of  
23 something greater than me and I was a  
24 part of potentially changing the country  
25 if this person had gotten elected and

1 ALEXANDRA WHEATLEY-DIAZ

2 what that would mean, like, the small  
3 role that I got to play in that outcome.

4 Q. And was the goal always to get  
5 Mike Bloomberg -- to get people to  
6 support Mike Bloomberg?

7 A. I don't know if that was the  
8 goal. That was what was asked of us. I  
9 don't know that the goal and what was  
10 asked of us were the same.

11 Q. Did you ever make calls  
12 outside of the State of California?

13 A. On the phone application that  
14 we were on we did not know where we were  
15 making phone calls to. However, I was  
16 made aware that phone calls were being  
17 made to different states and I was made  
18 aware of that based on either the  
19 conversation that we had and I think we  
20 did ask at some point and also, our ROD  
21 made us aware we were calling different  
22 states, which is why we had to do it at  
23 certain times.

24 Q. What other states do you claim  
25 you were calling?

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2 was given a set amount to work a set  
3 amount of hours that should not have  
4 exceeded a certain amount of hours and  
5 did. So I would disagree with that  
6 statement because I don't think it's  
7 valid.

8 Q. Okay. So if you were working  
9 for Genex and you were working for the  
10 Campaign at the same time, meaning you  
11 were charging both of them for your  
12 hours, would you not count that as an  
13 hour worked for the Campaign because you  
14 were on salary? Is that what you're  
15 saying?

16 MS. COLE-CHU: Objection to  
17 form.

18 A. I'm not saying that at all.  
19 I'm simply saying that the Campaign was  
20 paying me to work a certain amount of  
21 hours of which were exceeded and my job  
22 with Genex was paying me to work a  
23 certain -- to do certain tasks which I  
24 was doing as well. So I don't think that  
25 the statement that you're making is --

1 ALEXANDRA WHEATLEY-DIAZ

2 back on the record. The time is  
3 12:33 p.m.

4 EXAMINATION BY MS. COLE-CHU:

5 Q. Ms. Wheatley, what were your  
6 primary job duties as a field organizer  
7 for the Mike Bloomberg Campaign?

8 A. My primary duties were to  
9 canvass when asked and to phone bank and  
10 to work events when necessary.

11 Q. So looking specifically at  
12 canvassing and phone banking, what  
13 percentage of your overall job duties,  
14 while employed by the Mike Bloomberg  
15 Campaign as a field organizer, were you  
16 canvassing and phone banking?

17 A. It depended on the month but  
18 in the month of January and February we  
19 were primarily phone banking, with the  
20 occasional canvassing at a rate of about  
21 20%. When March hit we were approximately  
22 -- it was pretty 50/50, like half the day  
23 would be, depending on the day,  
24 canvassing and the other half would be  
25 phone banking. Some days it would

1 ALEXANDRA WHEATLEY-DIAZ

2 primarily just be phone banking. And  
3 when I say phone banking I also mean text  
4 messages and the auto-dial.

5 Q. When you look at those job  
6 duties combined, canvassing and phone  
7 banking, as a percentage of your overall  
8 job duties while working for the  
9 Campaign, what percentage of your overall  
10 job duties were canvassing and phone  
11 banking?

12 A. I would say 98% of it.

13 Q. We looked at an email. Do you  
14 mind pulling up Exhibit 12 and taking a  
15 look at that with me?

16 A. Oh, yes.

17 MS. BLOOM: Can you put it on  
18 the screen, please? Could the  
19 Concierge put that on the screen?  
20 Thanks.

21 Q. Do you have the exhibit in  
22 front of you, Ms. Wheatley?

23 A. I do.

24 Q. This is Exhibit 12, an email  
25 sent by you to Jonathan Salvador and the

C E R T I F I C A T E

I, MAUREEN M. RATTO, a  
Registered Professional Reporter, do  
hereby certify that prior to the  
commencement of the examination,  
ALEXANDRA WHEATLEY-DIAZ was sworn by me  
to testify the truth, the whole truth  
and nothing but the truth.

I DO FURTHER CERTIFY that the  
foregoing is a true and accurate  
transcript of the proceedings as taken  
stenographically by and before me at  
the time, place and on the date  
hereinbefore set forth.

I DO FURTHER CERTIFY that I am  
neither a relative nor employee nor  
attorney nor counsel of any of the  
parties to this action, and that I am  
neither a relative nor employee of such  
attorney or counsel, and that I am not  
financially interested in this action.



MAUREEN M. RATTO, RPR

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